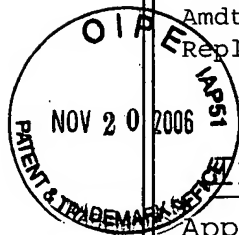


Appl. No. 10/081,000

Amdt. dated November 17, 2006

Reply to Notification of Non-Compliant Appeal Brief of October 23, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Anatoli Fomenko

Assignee: Sun Microsystems, Inc.

Title: VERSIONING APPLICATION PROGRAMMING INTERFACE AND
METHOD FOR USING VERSIONING FUNCTIONALITY

Serial No.: 10/081,000 Filed: February 20, 2002

Examiner: Etienne P. LeRoux Group Art 2161
Unit:

Docket No.: P-6507

Monterey, CA
November 17, 2006

Mail Stop Appeal Brief-Patents
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NONCOMPLIANT APPEAL BRIEF

Dear Sir:

This paper is a response to the Notice of Non-Compliant
Appeal Brief dated October 23, 2006. The notice stated:

10. ☒ Other (including any explanation in support of the
above items):
Appellant has included a plurality of instances of
claims 19 and 20.

No other explanation or indication was provided on the
PTOL-462.

Appellant has carefully reviewed the Amended Appeal Brief
filed on August 25, 2006 and cannot identify the plurality of
instances of Claims 19 and 20. The document has been read and
searched electronically in an attempt to identify the basis for
the above statement.

Claims 19 and 20 are not argued separately and so are not
expressly mentioned with the Brief. The first occurrence of
"Claim 19" appears on Page 39 of the amended brief. The next
occurrence is Claim 19 itself on page 48 of the amended brief.

Claim 20 is not mentioned in the body of brief and appears only on pg 48, which is the Claim itself and in Claims 21 and 22 on page 49 of the amended brief.

Thus, Appellant has been unable to identify "a plurality of instances of claims 19 and 20." Appellant also compared Claims 19 to 22 with the Claims presented in the paper dated October 20, 2005 at pages 7 to 8 to determine whether an error had been made in transcribing the claims into the brief. Appellant also compared Claims 19 to 22 with the Claims 19 to 22 in the originally filed Appeal Brief. Appellant was unable to identify any error.

The basis for the holding that the Amended Appeal Brief filed on August 25, 2006 was non-compliant could not be determined based upon the information provided. Appellant will make any changes needed to have the Appeal Brief comply with all the requirements, but to do so Appellant must be able to identify the error based on the information provided by the Office.

In this case, Appellant has made a good faith effort to identify the issue or issues and has been unable to do so. Accordingly, Appellant respectfully requests that the Notice of Non-Compliant Appeal Brief dated October 23, 2006 be withdrawn, or in the alternative re-issued with sufficient information so that Appellant can identify and address the issue. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Appellant.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 17, 2006.

Respectfully submitted,



Forrest Gunnison
Attorney for Applicant(s)
Reg. No. 32,899
Tel.: (831) 655-0880



November 17, 2006
Date of Signature